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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF ARIZONA

9 IN RE BARD IVC FILTERS PRODUCTS
10 LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

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12 AMENDED SHORT FORM
13 COMPLAINT FOR DAMAGES FOR
14 INDIVIDUAL CLAIMS AND
15 DEMAND FOR JURY TRIAL

16 Plaintiff(s) named below, for their Complaint against Defendants named below,
17 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).
18 Plaintiff(s) further show the Court as follows:

19 1. Plaintiff/Deceased Party:
20 Hendra Scott

21 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
22 consortium claim:
23 D'Andre Windfield

24 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
25 conservator):
26 Surviving Spouse

27 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
28 at the time of implant:
29 Louisiana

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Louisiana

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Louisiana

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court Eastern District of Louisiana

8. Defendants (check Defendants against whom Complaint is made):

- C. R. Bard Inc.
 - Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

- Diversity of Citizenship
 - Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- Recovery® Vena Cava Filter
 - G2® Vena Cava Filter
 - G2® Express Vena Cava Filter
 - G2® X Vena Cava Filter
 - Eclipse® Vena Cava Filter
 - Meridian® Vena Cava Filter

- #### Denali® Vena Cava Filter

- Other:

11. Date of Implantation as to each product:

August 16, 2009

12. Counts in the Master Complaint brought by Plaintiff(s):

- Count I: Strict Products Liability – Manufacturing Defect
 - Count II: Strict Products Liability – Information Defect (Failure to Warn)
 - Count III: Strict Products Liability – Design Defect
 - Count IV: Negligence - Design
 - Count V: Negligence - Manufacture
 - Count VI: Negligence – Failure to Recall/Retrofit
 - Count VII: Negligence – Failure to Warn
 - Count VIII: Negligent Misrepresentation
 - Count IX: Negligence *Per Se*
 - Count X: Breach of Express Warranty
 - Count XI: Breach of Implied Warranty
 - Count XII: Fraudulent Misrepresentation
 - Count XIII: Fraudulent Concealment
 - Count XIV: Violations of Applicable Louisiana _____ (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
 - Count XV: Loss of Consortium
 - Count XVI: Wrongful Death
 - Count XVII: Survival
 - Punitive Damages

Other(s): _____ (please state the facts supporting this Count in the space immediately below)

Any and all causes of action pursuant to Louisiana Civil Code Article 2315.1 regarding survival action and Louisiana Civil Code Article 2315.2 regarding Plaintiff-Decedent's wrongful death cause of action.

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13. Jury Trial demanded for all issues so triable?

Yes

□ No

RESPECTFULLY SUBMITTED this 7th day of October, 2019.

DEGARIS, WRIGHT & MCCALL, LLC

By: /s/ Annesley H. DeGaris

Annesley H. DeGaris
DeGaris Wright & McCall, LLC
Two North Twentieth Street, Suite 1030
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Attorney for Plaintiff

I hereby certify that on this 7th day of October, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Annesley H. DeGaris